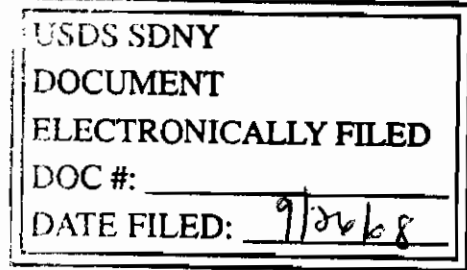



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007-1581
(212) 805-6325

CHAMBERS OF
COLLEEN McMAHON
UNITED STATES DISTRICT JUDGE



25 September 2008

TO: All Counsel in *Levy v. Koren*, 07 Civ. 896 (CM)

FROM: Judge McMahon 

RE: My memoranda of September 22 and 24 and your responses thereto

In its latest letter, defendant expressed concern that I might be required to recuse myself because the relationship between my husband and a former employee of his (whom I do not know) suggests that "at a minimum" I have personal knowledge of disputed evidentiary facts concerning this proceeding.

I did not have any such knowledge at the time I disclosed to you my husband's former affiliation with Soros Fund Management – defendant's conjecture to the contrary notwithstanding. And I would not have acquired any such knowledge but for having to put questions to my husband as a result of your letters.

Unfortunately, in responding to a question put by me, my husband went beyond the question, and in doing so imparted a piece of information that I recognize to be relevant to the case. Just to be clear, the piece of information was not about the wholly collateral issue of whether my husband disliked this Mr. Hiram or had anything to do with his departure from the company. That is a matter about which I knew nothing and still know nothing.

As a result of this unfortunate development, I must now recuse myself pursuant to 28 U.S.C § 455(b)(1).

I have notified Chief Judge Wood of the problem. The case will be reassigned within the next few weeks.